

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION  
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel  
Box Interference  
Washington, D.C. 20231  
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Paper No. 36

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**FAXED**

OCT 25 2002

NILES PARTS CO., LTD.  
Junior Party  
(U.S. Patent 5,847,342)<sup>1</sup>

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

v.

MARK T. LECZNAR, JEFFREY A. BRANCH,  
LAVERNE R. NEWMAN, MICHAEL J. TSCHERNE,  
and GARY J. KOPACZ

Senior Party  
(Application 09/456,736)<sup>2</sup>

Patent Interference No. 104,793

**Judgment**

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<sup>1</sup> Based on application 08/678,077, filed July 10, 1996. The real party in interest is Niles Parts Co., Ltd.

<sup>2</sup> Filed December 7, 1999. The real party in interest is Lear Automotive Dearborn, Inc. Accorded the benefit of application 08/980,093, filed November 26, 1997, now Patent No. 5,917,163, issued June 29, 1999; and application 08/545,985, filed October 20, 1995, now Patent No. 5,714,727, issued February 3, 1998.

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On October 23, 2002, junior party filed a request for entry of adverse judgment (Paper No. 35) with respect to the count in this interference as thrice re-declared in Paper No. 34.

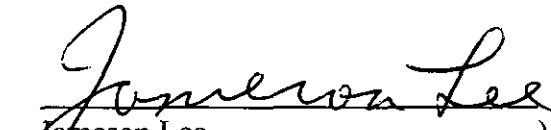
The request is **granted**. It is


**ORDERED** that judgment as to the subject matter of the count, as re-declared in Paper No. 34, is herein entered against the junior party Niles Parts Co., Ltd.;

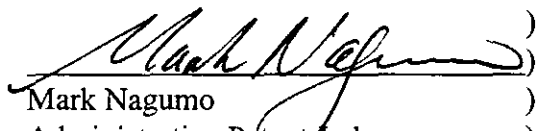
**FURTHER ORDERED** that junior party Niles Parts Co., Ltd. is not entitled to its claims 1 and 4-6 of Patent No. 5,847,342, which correspond to the count;

**FURTHER ORDERED** that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

**FURTHER ORDERED** that a copy of this judgment be filed in the respective involved application or patent of the parties.

  
Jameson Lee  
Administrative Patent Judge

  
Richard Torczon  
Administrative Patent Judge

  
Mark Nagumo  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

Interference No. 104,793  
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